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SIPDIS

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TAGS: PHUM PREL KUNR PE UNCHR

SUBJECT: REFORMING THE UN HUMAN RIGHTS COMMISSION (CHR):
PERUVIAN VIEWS

REF: STATE 114051

1. (SBU) On 6/17, A/Polcouns delivered reftel points on CHR reform to Foreign Ministry Director of Human Rights Carlos Roman, stressing that we were aware of Peru's proposal for the creation of a body of Independent Experts, and requesting a comprehensive review of the U.S. non-paper, in order to further our shared interest in making the Commission more viable and effective.

2. (SBU) In a follow-up conversation on 6/20, Roman said that he had reviewed the U.S. document, and that it was consistent to some degree with Peru's thoughts on the matter, which have evolved considerably in the last few weeks. He said he had just completed a summary of Peru's views that was in the process of being distributed to Peruvian missions overseas, including Peru's UN Representative in New York. Roman said he saw great promise for the work being carried out by the Swiss Government and the "Lausanne Group," and that he would continue to work with us and other delegations to achieve a consensus for needed changes in the CHR.

3. (SBU) Embassy's informal translation of the Peruvian paper follows:

(Begin text)

Aide Memoire

Peru's Proposal on Human Rights Commission Reform

The Peruvian proposal on CHR reform has two essential components: the creation of a Council with a mandate for country situations, and the creation of an Oversight Commission (Comision de Tutela) made up of independent experts which would be in charge of oversight issues, especially those relating to communications systems, early warning, adoption of preventive measures, and to flagrant, massive and systematic violations. Within this concept, the Subcommission for Promotion and Protection of Human Rights and the 1503 Procedure would disappear.

The central elements of the proposal are:

a) Peru agrees with the idea of reforming the current CHR, converting it into a Human Rights Council. Within this framework, Peru confirms its adherence to the "Lausanne Group" organized by the Swiss Government.

b) Peru promotes a reform that conciliates the Peruvian and Swiss initiatives, both of which are consistent with the UN SecGen's broad proposal.

This mixed formula includes the creation of the Human Rights Council as an independent organ of the General Assembly, with an intergovernmental structure, and at the same time, the creation of an Oversight Commission for human rights made up exclusively of independent experts, and elected based on criteria of balanced geographic representation.

c) The intergovernmental grouping would have periodic meetings and would be responsible for making findings on serious situations and systematic violations of human rights.

d) The independent experts grouping would meet continuously throughout the year and be responsible for oversight procedures, especially those having to do with communications systems, early warning, adoption of preventive measures, and with flagrant, massive and systematic violations of human rights.

e) The Council members would be elected by the General Assembly, by a two-thirds majority, as proposed by SecGen Kofi Annan.

The Council would have a mandate to evaluate human rights situations at a country level as well as in thematic areas and would approve its decisions through resolutions. Its functional norms should include ones that would permit the election of government representatives demonstrably trained and specialized in the protection of human rights, in order to avoid a composition of just government delegates without experience in human rights.

The mission of the Oversight Commission would be to protect against specific violations through the communications system, and to absorb mandates contemplated under the 1503 Procedure and the Human Rights Subcommittee, plus it would have new functions like early warning and putting in place of preventive measures in flagrant and urgent cases. The members of the Oversight Committee would be elected by the Council, by a two-thirds majority.
June 20, 2005

(End text)

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